

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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In the Matter of)	FEDERAL COMMUNICATIONS COMMISSION
)	OFFICE OF SECRETARY
Amendment of Part 90 of the)	PR Docket No. 93-144
Commission's Rules to Facilitate)	RM-8117, RM-8030
Future Development of SMR Systems)	RM-8029
)	
Implementation of Sections 3(n))	
and 322 of the Communications Act)	GN Docket No. 93-252
Regulatory Treatment of Mobile)	
Services)	
)	
Implementation of Section 309(j))	
of the Communications Act -)	PP Docket No. 93-253
Competitive Bidding)	
800 MHz SMR)	

To: The Commission:

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**COMMENTS OF THE CITY OF LOS ANGELES
POLICE DEPARTMENT**

The City of Los Angeles Police Department ("LAPD") hereby submits the following comments in response to the Commission's Second Further Notice of Proposed Rulemaking in the above-captioned proceeding, FCC 95-501 (released December 15, 1995) ("Second Further Notice").

In reallocating the 800 MHz General Category band for commercial mobile radio services known as SMRs, the Commission has suggested the possibility that incumbent non-SMR licensees in the band, including public safety agencies, will be relocated to other bands. Second Further Notice at ¶315. LAPD strongly opposes this suggestion. In many areas of the country, including Los Angeles, channels in

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this band are relied upon by public safety agencies to provide essential communication capabilities. There is no need or reason to dispossess this essential public use in order to accommodate commercial SMR use.

I. BACKGROUND

LAPD is one of the nation's largest police departments, with 8,600 officers serving the over 3.5 million residents of Los Angeles. Reliable voice and data radio communications to and from officers in the field is absolutely essential to LAPD's day-to-day public safety operations, and to its ability to respond to major emergencies such as earthquakes, fires, and civil disturbances that place extraordinary burdens on its communications system.

The Commission has long-recognized that the Los Angeles area faces unique public safety communications problems, and has attempted to respond with special radio frequency allocations and assignments.^{1/} As the Commission found in its decision to reallocate UHF Channel 16 for public safety use in Los Angeles:

Because of the climate and geological conditions, the region is prone to natural disasters such as

^{1/} Additional Channels in the Band 470-512 MHz for Public Safety, Gen. Docket 84-902, 59 RR 2d 910, 51 Fed. Reg. 4352 (1986) (reallocating UHF Channel 16 for public safety in Los Angeles); In the Matter of Flexible Allocation of Frequencies in the Domestic Public Land Mobile Service for Paging and Other Services, CC Docket 87-120, 4 FCC Rcd. 6415 (1989) (reallocating an additional 17 channel pairs in UHF Channels 14 and 20 for public safety in Los Angeles).

forest wildfires, floods, mud-slides, earthquakes, high winds, high waves and tornados. The [Los Angeles area] has the highest concentration of automobiles in the world along with a vast network of freeways.... As a manufacturing center, the Los Angeles area has experienced industrial disasters, including fires and hazardous chemical spills. These factors, among others, place severe demands on agencies involved with public safety in and around Los Angeles County. Moreover, these factors coupled with the general spectrum congestion present in the Los Angeles basin, place heightened demands on public safety communications systems.^{2/}

Unfortunately, the Commission's actions to date, while helpful, have not solved the public safety spectrum shortage in Los Angeles.

LAPD is currently in the process of a major expansion and upgrade of its radio communications system, including new mobile and portable radios, and a new Mobile Data Terminal (MDT) system. This system will utilize ten 800 MHz General Category channels, applications for which are now pending.

LAPD's current MDT system handles a major portion of its field communications load and is critical to everyday operations. LAPD currently has approximately 1,300 Mobile Data Terminals installed in police vehicles throughout the department. MDTs are installed primarily in marked black and white police vehicles and are intended to support uniformed patrol activities. The MDT system is designed to dispatch radio calls, keep status on all units, generate administrative reports, allow car-to-car, car-to-station,

^{2/} 59 RR 2d at 912.

car-to-dispatch center, station-to-station, and station-to-dispatch center digital communications. Additionally, all consoles and MDTs have external database access capabilities.^{2/}

The MDT system greatly increases police officer efficiency and safety, and offloads a major portion of radio traffic from LAPD's severely congested voice channels. However, the system design was based on late 1970's technology and hardware, and operates with only five (5) VHF radio channels. By 1985, the load demands had surpassed the anticipated load for the early 1990's. Other elements of LAPD's communications system face similar overloads. Fortunately, in November 1992, after two prior failed attempts, a special bond issue was approved by the voters of Los Angeles to provide \$235 million to address a total upgrade and enhancement of LAPD's radio communication system. This major project includes the replacement of the existing police dispatch center, all handheld and mobile radios, the 9-1-1 emergency telephone system, the entire voice radio infrastructure, and the MDT system. All subsystems to be replaced will utilize state-of-the-art technology, with the intent of realizing the greatest

^{2/} The MDTs can also interface with the Countywide Warrant System (CWS) and California Law Enforcement Telecommunications System (CLETS), which is a hub for access to such databases as National Crime Information Center (NCIC), Department of Justice (DOJ), and Department of Motor Vehicles (DMV). The CLETS is also an interface to the National Law Enforcement Telecommunications System (NLETS).

capacity possible from the limited radio frequency spectrum resources available.

Aside from securing funding, the most difficult part of the LAPD's system upgrade project has been finding additional radio frequencies necessary to meet its ever expanding communications requirements. In particular, new frequencies were needed to replace the five (5) duplex 150 MHz radio channels that support its current MDT system. LAPD searched both the VHF and UHF bands, but was unable to identify any channels to meet its requirements. As the Commission is well-aware, these frequency bands are completely saturated, especially in the Los Angeles area.^{1/}

LAPD then turned to the 800 MHz band, but found that all of the 70 Public Safety Pool channels and all of the 821 MHz National Public Safety Plan channels are also completely occupied in the Los Angeles area. The unavailability of suitable radio channels within the public safety spectrum allocations led the City to take the unusual step of acquiring existing systems from current licensees in the 800 MHz General Category. Applications for Commission consent to the assignment of licenses to LAPD were filed in November 1995 (prior to the adoption of the Second Further Notice).

LAPD has also entered into a multimillion dollar contract with Motorola for the complete upgrade of its MDT system, with an integral part of that agreement being the

^{1/} The recently adopted "spectrum refarming" rules in PR Docket 92-235 will not create new channels in these bands for many years.

acquisition of 800 MHz channels. LAPD and Motorola are actively engaged in the MDT upgrade and replacement project, which is fully funded and has a contracted completion date of March 1998.

II. THE COMMISSION MUST NOT REQUIRE PUBLIC SAFETY AGENCIES TO VACATE THE GENERAL CATEGORY BAND.

LAPD is concerned with that portion of the Second Further Notice, ¶315, which seeks comments regarding the treatment of incumbent licensees in the 800 MHz General Category. In particular, the Commission asks

commenters to address how non-SMR licensees operating on the lower 80 and General Category channels should be treated. Should these licensees be relocated to non-SMR channels, and if so, under what circumstances and pursuant to what type of relocation plan?

Public safety agencies should not be subject to rules that could force them to relinquish General Category channels. There are no alternative frequencies available in most areas, and certainly not in Los Angeles. The Commission itself stated in the Second Further Notice that "there are no equitable means of relocating incumbents to alternative channels, and ... there are no identifiable alternative channels to accommodate all such incumbents." Second Further Notice at ¶315. Thus it is puzzling as to why the Commission is even seeking comment on the possibility of relocating General Category incumbents.

The absence of replacement frequencies is reflected by the difficulty that LAPD faced in finding channels for its MDT operations. All other 800 MHz channels are fully

occupied in the Los Angeles area. Furthermore, LAPD's communications system is far too critical to public safety operations to be provided by commercial carriers. No commercial service provider will offer the levels of reliability, coverage, capacity, and security that LAPD requires on a day-to-day basis, let alone in times of major emergency.

Even if alternative radio frequencies could somehow be found, (and LAPD is at a loss to identify where those hypothetical alternatives could be found), public safety agencies such as LAPD should not be forced to uproot their mobile radio systems and relocate to new frequencies. Such a relocation would require replacement of mobile units and base stations, be extraordinarily expensive, and cause dangerous disruptions to public safety communications operations. LAPD has the added burden of having devoted substantial resources to acquiring General Category facilities, and fears that it would never recover those resources if forced to relocate to other frequency bands.

LAPD has committed years of planning, and a significant portion of its increasingly scarce resources, to this MDT project. Funding for the project is now secured, the system design is well under way, and arrangements have been made for existing licensees to assign their facilities to LAPD. However, the MDT replacement project depends upon Commission grant of the pending assignment applications, and assurances

that those channels will not be subject to any forced relocation.

The adoption of mandatory relocation rules for the General Category, especially in the absence of available replacement frequencies, would serve no purpose as few, if any, incumbents could actually move. However, the mere possibility of forced relocation would create uncertainty and hinder public safety agencies such as LAPD from making necessary commitments to develop and improve their communications systems.

Furthermore, while there are many public safety licensees in the General Category, they constitute a very small percentage of all licensees in the band. In some areas, there are no public safety licensees at all in the General Category. Thus, allowing public safety agencies to remain in the General Category would have little if any impact on the Commission's overall 800 MHz reallocation plan.

III. AT THE MINIMUM, THE CONTINUED USE OF 800 MHz GENERAL CATEGORY CHANNELS BY PUBLIC SAFETY USERS SHOULD APPLY TO ALL LICENSEES AND APPLICANTS AS OF THE DATE OF THE COMMISSION'S REALLOCATION PROPOSAL.

LAPD filed its now-pending applications, entered into its multimillion dollar contract with Motorola, and arranged to acquire General Category facilities from existing licensees before the adoption of the Second Further

Notice.^{5/} LAPD has made substantial commitments based on a reasonable expectation that it would have unfettered use of the General Category frequencies once its applications are granted. It was not until the Second Further Notice that LAPD learned that the Commission was even considering the possibility of forcing incumbent non-SMRs to relocate out of the General Category. Basic principles of administrative procedure and equity require that any General Category license granted as a result of an application filed prior to December 15 (including any subsequent minor modifications to such application) must be entitled to the same rights and obligations of other incumbent General Category public safety licenses.

^{5/} The assignment applications do not propose any expansion of the 22 dBu contour of the existing operations on the subject frequencies. Commission staff has informed LAPD that its assignment applications, therefore, are not subject to the General Category application freeze adopted on October 4, 1995.

CONCLUSION

For the reasons discussed above, the Commission must not adopt any rules that would upset the ability of the City of Los Angeles Police Department to acquire and maintain the General Category channels for which applications are now pending.

Respectfully submitted,

CITY OF LOS ANGELES
POLICE DEPARTMENT

By: 

Willie Williams
Chief of Police
150 N. Los Angeles Street
Los Angeles, CA 90012

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